



GPO Box 2720  
CANBERRA ACT 2601  
director@acmro.catholic.org.au

18 May 2006

Mr Jonathan Curtis  
Committee Secretary  
Senate Legal and Constitutional legislation Committee  
Parliament House  
CANBERRA ACT 2600

Dear Mr Walsh

**Inquiry into the  
Provisions of the Migration Amendment  
(Designated Unauthorised Arrivals) Bill 2006**

Thank you for your letter inviting a submission to the above Inquiry.

As you will be aware, the Catholic Church in Australia is actively involved in assisting refugees and asylum seekers and in addressing issues relating to them.

At this stage, we are unable to make a substantial submission as the timeframe of the Inquiry does not allow us to consolidate relevant information from our agencies around Australia in order to provide an appropriate response. At another time, we would be happy to elaborate upon the many issues raised by this Bill.

In our brief submission I wish to make a number of points on behalf of the Australian Catholic Migrant and Refugee Office. The Office coordinates the work of the Church in Australia with Migrants and Refugees. These points have also been made by the Australian Catholic Bishops both in the past and in relation to the subject of the current inquiry. For information, I enclose two recent news releases.

Concerns regarding the Bill include:

- People who come to Australia seeking refuge from persecution must be treated justly.
- Government policies on asylum seekers should not discriminate against those who arrive by boat, but should work instead to protect their human rights, especially those of women and children.
- The announcement in 2005 of changes to government policy to remove women and children from detention centres was very welcome. The changes showed the government's capacity to listen to legitimate concerns of the Australian community and to respond accordingly.
- Bearing this in mind, there is real concern about the decision to process the refugee claims of all boat people at detention centres beyond Australia's shores where they will have no access to proper legal advice or the human support they need.

- It is proposed that those people who qualify as refugees under the 1951 Refugees Convention will be kept in detention at these off-shore places until they are resettled to a safe third country.
- Women and children may again be held in detention for an unspecified period of time and in circumstances potentially harmful to their mental and/or physical health.
- A primary concern of government is the “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family” (Preamble, Universal Declaration of Human Rights). This should shape the way we treat refugee claimants without compromising Australia’s sovereign right to process persons entering its territorial waters.
- Australia has a moral and ethical responsibility to welcome refugees as well as refugee claimants. Australia has a proud record of welcome and care for refugees. The Government should ensure that the human rights of boat people seeking asylum in Australia are fully respected. This would be at least consistent with our national values of fairness and justice.
- All refugee claims must be processed with a genuine regard for the human dignity of those who make the claim. Such regard for human dignity will not be possible at the proposed off-shore detention centres.
- As past experience since 2001 has shown, it is very difficult to provide pastoral care – and welfare services in general – at the off-shore detention centres.
- Following numerous serious problems identified in Immigration Detention Facilities, the Government commissioned inquiries by Mr Palmer, Mr Comrie, and the Ombudsman. Following these reports, the Government then engaged Mr Roche to report on the administration of Immigration Detention Facilities. Mr Roche and the others made various recommendations to correct the numerous serious deficiencies at the Facilities. It will be of great concern if the Government cannot guarantee that all of the improvements recommended by Mr Roche and the others will be implemented at all Immigration Detention Facilities, including the proposed off-shore detention centres.

As noted, given the very short time frame, we have been unable to provide a more substantial submission that the seriousness of this issue would normally justify. However, if we can assist the Inquiry with further information at a later date, we would be happy to do so.

We pray for all of those involved in, or affected by this Inquiry, especially the refugees and asylum seekers.

Yours sincerely,

Rev Monsignor John Murphy  
Director



GPO Box 2720  
CANBERRA ACT 2601  
[director@acmro.catholic.org.au](mailto:director@acmro.catholic.org.au)



GPO Box 2720  
CANBERRA ACT 2601  
[director@acmro.catholic.org.au](mailto:director@acmro.catholic.org.au)